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ESSAYS

ON THE

GAME LAWS,

518.L.18.
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Now exiſting in GREAT BRITAIN;

AND

Remarks on their principal Defects:

ALSO,

Propoſals for the better Preſervation of the GAME in this Kingdom.

WITH

A PLAN for the Deſtruction of the VERMIN.

By a SPORTSMAN.

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To the Noblemen and Gentlemen of the Association.

My Lords and Gentlemen,

I Flatter myſelf that the deſign of the following eſſays, will be an apology for the liberty I take of dedicating them to you; and if any of the obſervations contained in them, ſhould merit your approbation, that you will recommend them to the conſideration of your friends in Parliament.

I have the honour to be, with the greateſt reſpect,

My Lords and Gentlemen,
your moſt obedient, and
moſt humble ſervant,

London, Feb.
1770.

The Author.

ESSAYS

ON THE

GAME LAWS, &c.

THE Game Laws have long been thought very inequitable, and oppreſſive: That they are not effectual to aſcertain the rights of gentlemen, or to prevent the deſtruction of the game, is evident, from the great number of law-ſuits and quarrels, that they have lately been productive of, in which ſome men of the firſt rank and fortune have loſt their lives.

An amendment being much deſired, and expected, by moſt Gentlemen who live in the country, I have been encouraged to hope, that the following remarks on the principal defects of the preſent Game Laws; particu-

larly on the cauſes of the great decreaſe of the Game, in Britain; how they may be more effectually preſerved; and on the deſtruction of the Vermin, may at this time, be acceptable to every Sportſman,

When I have endeavoured to ſhew that the preſent Game Laws, have rather encouraged than prevented the deſtruction of the Game, I humbly hope, that their principal defects, and the neceſſity of an amendment, will be evident.

Of the Qualifications.

The qualification in England, has long been thought too mall; and to one unacquainted with the Hiſtory of this Country, it muſt be aſtoniſhing, how both Houſes of Parliament came to give up their rights, or conſent that people of ſo little property, ſhould have equal privileges, with the greateſt of the Nobility: It is not to be expected but that many Gentlemen of great eſtates, as well as all the Farmers of great property in England, will wiſh, that Game were made property; and when I have ſhewn that the Farmers only, have it their power to prevent Poaching,

Poaching, it will be thought neceſſary to make them Gamekeepers of their own farms.

In every town in England, there is a qualified Poacher, ſome idle ſcoundrel of no property, nor profeſſion, without even the merit of a Dog-breaker, who has diſſipated his ſmall eſtate, and is the everlaſting peſt of every Gentleman for twenty miles round; if Game were made property, theſe gentry may find better ſport, among their brother Savages in America, after the benefit of a free paſſage over.

The qualification for Scotland, muſt be allowed even by the few qualified perſons of that part of the kingdom, to be, by far, too large. Many Gentlemen there, who have more Game upon their eſtates, than there are in ſome Engliſh counties, are not qualified.

It is unaccountable how the unqualified Gentlemen of Scotland, who are the moſt conſiderable body of the nation; Lords of Manors, or Baronies, whoſe anceſtors acquired them in the ſame honourable manner,

and who have the ſame charters, as the Lords and Gentlemen that are now qualified, ſhould give up their entire right and property in the Game, even upon their own eſtates, where they muſt now tamely ſubmit to ſee them carried off, by perhaps, their greateſt enemy, or his ſervants; unleſs they chuſe to prevent it, by deſtroying them out of ſeaſon, in the character of a Poacher. The preſent Laws are therefore moſt oppreſſive to the Gentlemen of ſmall eſtates in Scotland, to the Gentlemen of great eſtates in England; to the Farmers, and others, of great property in both kingdoms, and as I hope afterwards to ſhew, to the univerſal deſtruction of the Game.

Beſides the accidental cauſes of the decreaſe of the Game, by very dry, or very rainy ſeaſons, there are four other cauſes, which may be prevented, viz. Poachers, Dog-breakers, Shepherd's dogs, and Vermin.

Of Poachers.

All unqualified perſons who kill Game, are Poachers; but thoſe are more commonly underſtood to deſerve that name, who are common

common fowlers, or fellows who kill Game privately, with an intention to ſell it; and thoſe vagabonds are rather encouraged than prevented by the preſent Laws: For if the Farmers who live upon the lands, and viſit their fields every day, are not allowed to ſport themſelves, or to be game-keepers of their own farms, or licenſed to kill Game upon them, for their own uſe; they will either deſtroy the Game out of reſentment, or allow the Poacher to do it for them; neither will their ſervants prevent, or inform againſt a Poacher, who can perhaps afford to make them a ſmall preſent, which moſt of them would accept of, rather than a ſhare of a large fine, accompanied with the deteſted name of an informer.

Many Farmers have told me, that becauſe they had been prevented from courſing and ſhooting, by their landlords; they were determined that he ſhould find nothing upon their farms; and that they would allow their Dogs to deſtroy every Hare, and every Bird in the breeding time, which is certainly in their power, whenever they chuſe to do it.

Some

Some have told me, that ſince they durſt not ſport themſelves, they would deſtroy all the Game to ſave their fences, and to prevent their ſheep from being diſturbed on the moors.

Others have acknowledged, that they often had entertained Poachers in their houſes, and in return for their hoſpitality, have had a Hare, or a brace of Birds, to ſend to a friend in town.

I am therefore humbly of opinion, that the Farmers *only*, have it in their power, to prevent Poaching in any degree, and that they ought to be encouraged to this, by allowing them ſome privileges that may make it their intereſt, to uſe their beſt endeavours, to prevent this cauſe of the decreaſe of the Game: If they were even allowed to be the Gamekeepers of their own farms, ſuppoſing them to be ever ſo keen Sportſmen, there would remain double the quantity of Game, at breeding time, every ſeaſon, for their own advantage.

In the beginning of the ſeaſon, Partridges are taken by Poachers in the night. This may

may be eaſily prevented by the Farmer in the following manner. Let him go out, ſoon after ſun-ſet, and ſpring all his Coveys, which he will then find on the ſtubble: This makes them diſperſe, and keep the cover all night; and when this has been done, for the firſt week, they will not be afterwards found in the ſtubble, where they are taken by the Poacher, during the night, that whole ſeaſon. At the ſame time, if he has but a ſmall farm, and few incloſures, he may inſpect his hedges, where he will find ſnares ſet for his Hares.

The preſent laws certainly ought to remain in force, againſt Poachers, Carriers, and Sellers of Game; and againſt killing Game out of ſeaſon; and the ſeaſons are very properly diſtinguiſhed in the laſt Game Act; but unleſs Game is made private property, I cannot ſee how it is poſſible to prevent Poaching:

If it was felony, for an unqualified perſon to kill Game, there would be as few Poachers, as there are Thieves; and a perſon who deprives us of what we value more than our domeſtick animals, or perhaps any other part

part of our property, deſerves the puniſhment of a Thief.

The propriety of this is too evident, from a fatal event that has lately happened, which muſt ever be remembered by the Sportſmen of this age, with the moſt ſincere affliction.

The Game, and Fiſh, on the eſtate, and in the rivers and lakes, of every freeholder were originally his own property; he acquired them with his land, and may diſpoſe of them with his land, or he may not, as he thinks moſt agreeable; a law therefore that qualifies one perſon to take away the property of another, without his conſent, is ſurely unjuſt; but it is moſt reaſonable that a Gentleman who ſtarts, ſprings, or unkennels upon his own eſtate, ſhould purſue his chaſe until loſt, or taken; though I don't think a Farmer or Gamekeeper ought ever to have that privilege.

It is moſt reaſonable, that the Heirs apparent of qualified Gentlemen; or if Game were made property, of Gentlemen of freehold eſtates, ſhould have the ſame privileges, as their Fathers, as they may be ſuppoſed to enjoy

enjoy the ſports of the field, at that period of their lives, more than at any other time.

Every Gentleman ſhould have the privilege of keeping not only mewed Pheaſants, which the laſt Game Act permits; but all kinds of Game, provided they are taken in the lawful ſeaſon; and to kill them when he pleaſes: For a young Pointer or Spaniel, entered at Pheaſant or Partridge, never will be ſufficiently ſharp ſcented for Moor Game; and a red Hawk intended to be trained to Game, ought to be entered at Moor Game long before the 25th of July, and kept in wind, and in blood until that time; their ſtrength and ſpeed both depending upon it.

The Black Game, Heath Fowl, or Black Cock, and Grey Hen, being almoſt totally deſtroyed over the whole kingdom, there ought to be a prohibition, with a high penalty, againſt killing any of them for two years, which would reſtore that valuable bird.

Shooting wild fowl, is often a pretence to Poachers for carrying a gun and ſett ng their ſnares and nets, near rivers and lakes, and

keeping water ſpaniels to the deſtruction of the Game. It were therefore to be wiſhed, that Wild Fowl which leave the ſea coaſt, and frequent woods, lakes, rivers, and commons, were made the property of thoſe Gentlemen, on whoſe eſtates they were found. Theſe Wild Fowl are,

The Ruff and Reeve.
Coots and Moorhens, of different kinds.
The land and water Rails.
The Buſtard.
The Capercailzie.
The Woodcock and Snipe.
The Bittern and Heron.
The Skell Duck and Drake.
The Wild Duck and Mallard.
The Wigeon, the Teal.
The various kinds of Duckers.
The Black Wild Gooſe or Barnacle;

Who is a bird of paſſage that ſeldom leaves the ſea coaſt.

The Grey Wild Gooſe.
The Grey and Green Plovers.
The Dottrel.
The Wild Swan,

With

With many other rare Birds of paſſage, both of the land and water kinds; ſome of them coming regularly with the ſeaſons, and others driven here by tempeſts and birds of prey.

Of Dog-breakers.

The ſecond cauſe of the deſtruction of the Game, is Dog-breaking, or training young pointers, and ſpaniels; which is not prevented by the preſent laws, becauſe they do not kill the Game.

As it ſaves them a great deal of trouble, and is much ſooner done, theſe fellows who are commonly Gamekeepers in England, and common or licenſed Fowlers in Scotland, go out with their young Dogs, in breeding time, when they often ſnap up a weak Hare, or a brooding Hen, or the young before they are able to fly; or if they go out earlier, in the pairing ſeaſon, although they do not kill, which ſometimes may happen, yet the old Birds, that are often diſturbed, and driven from place to place, will not breed that ſeaſon, and when taken in the net, and let go again, they loſe their former wildneſs and

vigour, and become an eaſy prey to the meaneſt of the vermin. I don't mean that young Dogs ſhould not be broken by theſe people, who under proper reſtrictions, are very uſeful and neceſſary: I only wiſh that they were confined to their maſter's eſtate, and that a high penalty was enacted againſt taking Dogs into the field in unlawful time; which would not only ſave much Game, but be of particular advantage to the farmers; moſt of the Lambs that are now ſuppoſed to be killed by Foxes, being deſtroyed by wandering Dogs, eſpecially young Dogs that are not well entered, fed, and attended.

Many Sportſmen have had their moſt valuable Dogs ſtolen, by people who take them to ſome diſtant place, to ſell to Poachers, and Dog-breakers, and I am ſorry to ſay that I have known men of rank and fortune, buy theſe Dogs, without the leaſt enquiry how they came by them.

A Juſtice of Peace in Somerſetſhire refuſed to grant me a warrant againſt one of thoſe villains, who was a noted Dog-thief, becauſe my Dog had not his collar about his neck at that time, though he was of more value to any Sportſman,

man, than a golden collar: Surely this is a grievance worthy of notice, and redreſs: I cannot imagine how the moſt valuable animal, next to our horſe, that we poſſeſs, could have been at any time ſo neglected.

Of Shepherds Dogs.

The third cauſe of the decreaſe of the Game, are Shepherds Dogs; and I believe more Game are deſtroyed by them, than by all their other enemies; but I hope this will be prevented, by the attention of their Maſters the Farmers, who if they were concerned in the preſervation of the Game, would undoubtedly encourage their ſervants to keep in their Dogs; whereas at preſent, they allow them to ſtraggle out, and beat about for Game, and ſee them often, without remorſe, pick up a whole Brood or Covey, which they know will be agreeable to their maſter, who has oftener quarrelled with his landlord about the Game, than any thing elſe.

As many fatal accidents have happened by Mad-Dogs, and many ſportſmen have loſt their Hounds and Spaniels, by the careleſſneſs

neſs of Shepherds not keeping in their Dogs, during the Summer, but allowing them to go out alone, for whole days in hot weather, to feed on carrion, which occaſions fevers and madneſs. It ought to be lawful for every perſon to ſhoot, or purſue thoſe Dogs he may find rambling alone in the field, in Summer, and in the unlawful times, and the owner ought to be obliged, either to kill the dog, or chain him up, and pay a fine for ſuffering him to go out: And a high penalty ought to be againſt any man, who keeps a Dog that has refuſed to eat or drink for two days together, without ſhutting him up, or chaining him alone, it being uſual for Dogs to refuſe their meat and drink, three or four days before they grow furious, or leave home; and it is after they are gone from home, that all manner of miſcief is done. They wander about biting cattle, and ſometimes men, that are ſo unfortunate as to come in their way, and very often Dogs are bit by them, which is not diſcovered, until the fatal effects ſhew us, that it is too late. I muſt allow, that there are other diſorders incident to Dogs, which make them refuſe to eat or drink; and there are medicines,

ſaid

ſaid to cure every degree of madneſs, the hydrophobia not excepted; but this I can hardly believe; nor would I ever recommend ſuch medicines, while the riſque of their failing, bears no ſort of proportion to the value of a dog, and may be, and very frequently is, attended with ſuch dreadful conſequences. I would only recommend chaining them alone, and giving the medicines proper for a fever, beginning with blooding, which may probably recover him, if he is not mad, and if he is, he will die in a few days.

Of Vermin.

The laſt cauſe of the deſtruction of the Game is Vermin, by which ſportſmen mean the Birds, and Beaſts of prey.

I ſhall propoſe a plan for their deſtruction which, if properly executed, I humbly think, muſt, in a few years, extirpate them as effectually, as our Forefathers deſtroyed the Wolves; and alſo furniſh ſome employment for thoſe human Vermin, who infeſt every pariſh in the kingdom, and would rather be tranſported or hanged, than give up their gun.

As

As I have all along endeavoured to ſhew the defects of the preſent Game-Laws, I ſhall, in the firſt place obſerve, that they have rather encreaſed, than diminiſhed the number of Birds and Beaſts of prey: For a Farmer who dares not kill Game, will not take the trouble to carry out his gun every day, or even take it up at all, on purpoſe to ſhoot the Birds of prey, that may chance to fly paſt him; neither will he encourage his Dogs to attack Vermin, or keep thoſe that are proper for it, when he has no immediate reward for them. In the county where I live, it was agreed on, not to ſhoot upon the Moors for one year; the conſequence was, that three times the number of Birds of prey infeſted them that ſeaſon, becauſe they were never alarmed, nor fired at; we were therefore diſappoited in our expectation of an encreaſe of Moor Game.

To deſtroy the Vermin entirely, a premium ought to be given, for killing, and bringing in, Birds and Beaſts of prey, over the whole iſland at one time. This premium might be raiſed by a ſmall tax, in proportion to every eſtate; and an old ſportſman, with

with a treaſurer and clerk appointed in every pariſh to receive the Vermiu, and to pay for them according to their quality, which may be rated and ſettled every year, or every quarter, by a few choſen Gentlemen Sportſmen, of each county.

If it were felony for any unqualified perſon, to kill, carry, or ſell Game, or if Game were made property, thoſe idle fellows, who are now a nuiſance, might then be uſefully employed; and in a few years, by encreaſing the premium, as the Vermin grew ſcarcer, they would all be deſtroyed.

This was once attempted in a particular County, and therefore was found as ineffectual, as it would be to kill the Moles in one field.

The Birds and Beaſts of prey, that infeſt this iſland, and deſtroy Game, may be claſſed in the following order, and paid for accordingly; the moſt pernicious, being alſo the moſt difficult to be taken.

Of the Birds of prey.

I. Every ſpecies of the Eagle. There is a large black Eagle, called the Earne, in the north, and a leſſer grey Eagle. They are both very deſtructive to the young Deer, Lambs, and weak Sheep; and you will find in their Ayreys, the plumage of black Game, Growſe, and Wild Duck. We are often viſited by foreign Eagles, and when they can be taken or ſhot, they deſerve the ſame premium.

II. The Goſhawk, who is moſt deſtructive to the Hares, and all kinds of Game.

The Falcon, who as well as the Goſhawk, kills a brace of Birds every day, beſides the deſtruction they make, when they are rearing their young. Beſides the Falcon and Tercell, who breed here, we have many foreign Hawks of the Falcon kind, ſome of them larger; all of them long winged, high flying Birds, and equally deſtructive to the Game of all kinds. In the Falcons Ayrey, you will find the plumage of Game, from the Black Cock to the Quail, and of Wild Fowl, from the Mallard to the Snipe.

III. The

III. The Sparrow-Hawk. This is the greateſt enemy of the Partridge, and the Pidgeon. He is a ſhort winged Hawk, flies low, and takes his prey by ſurpriſe, he can alſo fly at, and kill Cocks in the cloſeſt cover.

The Merlin, who is the ſwifteſt of all Birds, and a deadly foe to the young Moor-game, Partridges, Quails, Cocks, and Snipes.

The Ring-Tail, the Grey Buzzards, and the Moor Buzzard. In the beginning of the ſeaſon, theſe Buzzards live entirely upon Red Game, Moor-Game, or Moor-Fowl, young Heath-Fowl, and young Hares; the Ring-tail is alſo moſt deſtructive to Rabbits and Poultry.

IV. The other tribes of the Buzzard kind, the Kite, or Glead with the forked tail. The whole genus of ſmall Hawks, long and ſhort winged; except the Stannyel, who lives entirely upon Mice, and is therefore an uſeful bird, like the Owl.

V. Car-

V. Carrion Crows, and Magpies. The Carrion Crow is very deſtructive to the young Game on the Moors, as the Magpie is to young Partridges, Quails, and Rails; for when they have once found a young brood or covey, they ſeldom leave them, until they are all devoured. At the ſame time there ought to be a penalty againſt killing the Stannyel, the Owl, and the Raven, to ſupply the loſs of the Carrion Crow; for while the Raven can find Carrion, he never will look for Game, nor attack a Lamb, or a Hare, whereas in the beginning of the ſeaſon, the Carrion Crow lives upon Game entirely.

Of the Beaſts of prey.

I. The Fox, who may be preſerved in hunting countries. He lives at leaſt ſix months of the year, upon Moles and Mice; but as he is more deſtructive to the Farmer, and the Game in the pairing ſeaſon, than any of the other vermin; I humbly think that the higheſt premium ought to be given for him.

II. The

II. The Wild Cat. They are particularly deſtructive to the Moor Game, Lambs, and Poultry.

III. The Pole Cat, Fitch, or Foumart, and the Martin. They are very well known to every Farmer, and I have found them in the Moors, where they undoubtedly lived upon Game.

IV. The Weaſel. I have ſeen this little animal kill an old Growſe, and have been credibly informed, that they will attack a Hare; that they eat the eggs of all kinds of Game, is well known to moſt Sportſmen, but I ſuppoſe the Farmer will chuſe to ſave him, becauſe he is an enemy to the Rats and Mice: I can aſſure him, that many of his Poultry that the Pole Cat is charged with, are killed by the Weaſel.

V. The Otter. I rank him laſt, only becauſe his fur is a ſufficient premium for his head, otherwiſe, he ought to take place of of the Fox. The quantity of Fiſh, that are ſometimes deſtroyed in a pond or river, in one night, by a ſingle Otter is ſcarcely to be believed. I know that they ſometimes

go

go to the Moors, in the ſummer, where they rear their young, by the ſide of ſome Rivulet or Bog; but whether they deſtroy Game or not, at that time, I cannot determine, as I never killed any of them in the earth.

Serpents have often been found in neſts, where they have deſtroyed the eggs, and perhaps baniſhed the old Hen, with a mortal wound, and as all kinds of Game Birds, brood upon the ground, I make no doubt but that they are often deſtroyed by Serpents; I have ſeen young Game lying dead upon the ground, near the haunt of a Viper; and I ſuppoſe that Cattle, and Dogs that ſometimes die ſuddenly, without any viſible cauſe, have been bit by ſome of theſe horrible vermin: I believe I have no occaſion to accuſe them farther, all mankind are prejudiced againſt them; I may therefore hope that a ſmall premium, for Snakes, Vipers, or Adders, will be thought neceſſary.

I am an old Sportſman, and have ſeen the Game gradually decreaſe every year, not only from the cauſes I have mentioned, but from the increaſe of luxury in trading towns, the additional demand for Game, the great

rewards

rewards given to Poachers for Game to ſend to London, and the great number of Gentlemen that can now ſhoot flying; which is the moſt certain way of taking all kinds of Game, at leaſt the whole ſeaſon round. I hope I ſhall not ſurvive the Game of this iſland, or be obliged to baniſh myſelf from my native country to enjoy the pleaſures of the chace in my old age: I will rather hope that the Lords and Gentlemen of parliament, will ſoon conſider the neceſſity of preventing the farther decreaſe of the Game, and conſtitute ſuch penalties, and premiums, as will in a few years reſtore them to their original plenty; when every man who has land, may have a ſhare of the ſport, at leaſt upon his own land, and every man that can afford to pay for them, may have them on his table.

FINIS.